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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,989	02/27/2004	Daniel G. O'Neil	50037.229US01	6860
27488	7590	07/14/2006	EXAMINER	
MERCHANT & GOULD (MICROSOFT)			LUU, MATTHEW	
P.O. BOX 2903			ART UNIT	PAPER NUMBER
MINNEAPOLIS, MN 55402-0903			3663	

DATE MAILED: 07/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/788,989	O'NEIL ET AL.	
	Examiner	Art Unit	
	LUU MATTHEW	3663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4,6-9,12,14,16-18 and 24-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,6-9,12,14,16-18 and 24-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the claimed “determining whether the received event is a member of a select group of events, each event in the select group of events corresponding to a software element that has an associated color scheme” and “illuminating the software element on the user interface display and a corresponding hardware button on the computing device according to the color value when the event is a member of the select group of events” as recited in claims 1, 9 and 18, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New

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Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

Claims 1, 4, 6-9, 12, 14, 16-18 and 24-31 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding independent claims 1, 9, and 18, lines 5-6, the new added limitation "determining whether the received event is a member of a select group of events, each event in the select group of events corresponding to a software element that has an associated color scheme", it is unclear where exactly in the specification and drawings that discloses "the received event is a member of a select group of events" and "each event in the select group of events corresponding to a software element that has an associated color scheme". What exactly are "the received event" and "a select group of events"?

It is unclear where exactly in the specification and drawings that discloses "illuminating the software element on the user interface display and a corresponding hardware button on the computing device according to the color value when the event is a member of the select group of events".

Dependent claims are considered rejected for incorporating the defects from their respective parent claims by dependency.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 6, 9, 14, 18 and 26-28, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Deeds (US 2004/0198455).

Claim 1.

Deeds discloses (Figs. 6-9) a method for using a color scheme to communicate information associated with an event (a selection of an entry) and related to the integration of hardware (Fig. 9 shows the hardware buttons 140) and software (Fig. 9 shows the software for displaying the directory on the display 110) in a computing device (phone 10), comprising:

receiving an event at the computing device (Fig. 6 shows the step of selecting entry 270);

determining whether the received event is a member of a select group of events

(Fig. 7 shows the step 330 of select entry or caller group. This step of selecting is considered as an event), each event in the select group of events corresponding to a software element that has an associated color scheme (Fig. 7 shows step 330, wherein a software element is the directory on the display 110, e.g., the name of a person or a caller group displayed on the display 110. Fig. 7 also shows the step 340 for selecting color scheme for the entry or the caller group) (Sections 38 and 41); wherein the software element is associated with a user interface display (110) of the computing device (10);

determining a color value associated with the event that is a member of the select group of events, the color value corresponding to the color scheme of the software element (Section 42, lines 1-3; and lines 8-11 teaches the color value is the steady amber pulses or rapidly flashing red pulses); and

illuminating the software element (Fig. 9 shows the software element, MARK, is illuminated) on the user interface display (110) and a corresponding hardware button (illuminating the keys 2 and 5) on the computing device (10) according to the color value of the event (the green color value) (Section 52, the last seven lines).

Deeds further disclose wherein illuminating the software element and hardware button such that the information associated with the event is communicated to a user (illuminating the MARK entry and the keys 2 and 5 would communicates the information (the speed dialing information) associated with the event (Section 52, the last seven lines).

Deeds fails to explicitly teach “wherein a change to the color scheme of the software element results in a change in the color value”.

However, Deeds also teaches the user can assign color schemes to different entries and/or caller groups (as shown in block 360). The user can also set different types of illumination (Section 42).

Therefore, based on the above teaching, it would have been obvious to a person of ordinary skill in the art to realize that the user of the mobile device of Deeds is capable of setting or changing the color scheme of the software element according to a new color value or a new type of illumination.

Deeds further teaches (Fig. 9) “two entries of the directory correspond to “Mark” and “John”, where “Mark” represents the primary entry and is associated with the keys (2) and (5) for speed dialing. Also as illustrated, the entry for “Mark” is associated with a green color scheme, thus, the region of the display presenting the entry “Mark”, is illuminated green, as are the keys (2) and (5)” (Section 52, the last seven lines). Therefore, based on this teaching, the color value of the software element (Mark) is matching with the color value of the hardware button (2) and (5).

Claim 6.

Deeds discloses (Fig. 9) the step of illuminating the hardware button (keys 2 and 5) with an illuminating element, which is a light emitting diode (LED) (Section 53).

Claim 9.

Deeds discloses (Figs. 6-9) a method for using a color scheme to communicate information associated with an event and related to the integration of hardware and software in a computing device, comprising:

a memory (Fig. 1, non-volatile memory 160 and volatile memory 180) of the computing device (10) that is arranged to receive an event,

wherein a determination is made whether the received event is a member of a select group of events (Fig. 7 shows the step 330 of select entry or caller group. This step of selecting is considered as an event), each event in the select group of events corresponding to a software element that has an associated color scheme (Fig. 7 shows step 330, wherein a software element is the directory on the display 110, e.g., the name of a person or a caller group displayed on the display 110. Fig. 7 also shows the step 340 for selecting color scheme for the entry or the caller group) (Sections 38 and 41); wherein the software element is associated with a user interface display (110) of the computing device (10);

a software element (Fig. 9, MARK) is associated with a user interface display (110) of the computing device (10);

the software element (on the display 110) is coupled to the memory (Fig. 1, 160 and 180) via the controller (80);

a color value associated with the event, the color value corresponding to the color scheme of the software element (Section 42, lines 1-3; and lines 8-11 teaches the color value is the steady amber pulses or rapidly flashing red pulses); and

an illuminating element (LEDs 210) coupled to the memory via a controller (80);
and

a hardware button (keypad 140 with buttons (2) and (5)) coupled to the illuminating element (210), wherein the illuminating element illuminates the hardware button according to the color scheme when the event is received (Section 52, the last seven lines).

Deeds further disclose wherein illuminating the software element and hardware button such that the information associated with the event is communicated to a user (illuminating the MARK entry and the keys 2 and 5 would communicates the information (the speed dialing information) associated with the event (Section 52, the last seven lines).

Deeds further teaches

"[0038] Referring now to Fig. 6, after saving the entries that have been entered, the user can arrange one or more of the stored entries into caller groups by associating one or more entries with one or more caller groups. For example, the user can arrange the entries into groups such as "Friends, VIPs, Family, Colleagues and Others". This

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would read on the new added limitation “determining whether the received event is a member of a select group of events”.

Deeds fails to explicitly teach “wherein a change to the color scheme of the software element results in a change in the color value”.

However, Deeds also teaches the user can assign color schemes to different entries and/or caller groups (as shown in block 360). The user can also set different types of illumination (Section 42).

Therefore, based on the above teaching, it would have been obvious to a person of ordinary skill in the art to realize that the user of the mobile device of Deeds is capable of setting or changing the color scheme of the software element according to a new color value or a new type of illumination.

Deeds further teaches (Fig. 9) “two entries of the directory correspond to “Mark” and “John”, where “Mark” represents the primary entry and is associated with the keys (2) and (5) for speed dialing. Also as illustrated, the entry for “Mark” is associated with a green color scheme, thus, the region of the display presenting the entry “Mark”, is illuminated green, as are the keys (2) and (5)” (Section 52, the last seven lines). Therefore, based on this teaching, the color value of the software element (Mark) is matching with the color value of the hardware button (2) and (5).

Claim 14.

Deeds discloses (Fig. 9) the step of illuminating the hardware element (keys 2 and 5) with an illuminating element, which is a light emitting diode (LED) (Section 53).

Claim 18.

Note the rejection as set forth above with respect to claim 1.

Claims 26-28.

Deeds discloses (Fig. 3) wherein the event is a guide (preferences menu 310) for user action.

Claim Rejections - 35 USC § 103

Claims 7, 16 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deeds as applied to claims 1, 9 and 18 above, and further in view of Ruck (US 2002/0019248).

Claims 7, 16 and 25.

Deeds also teaches the select group of events is a user-selected group of callers (Sections 6, 22 "receiving calls", and 38).

Deeds fails to disclose wherein the event is an incoming call.

However, Ruck discloses (Fig. 9) wherein the event is an incoming call (S26).

Therefore, it would have been obvious to the person of ordinary skill in the art to use the method of identifying an incoming call of Ruck into the method for using a color scheme to communicate information of Deeds to allow the phone user to identify the incoming call and decide whether to accept the call or not.

Claim Rejections - 35 USC § 103

Claims 4, 12, 24 and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deeds as applied to claims 1, 9 and 18 above, and further in view of Messel et al (US 2004/0204125).

Claims 4, 12 and 24.

As best understood, Deeds fails to teach “the hardware element is a soft key”.

However, Messel discloses (Fig. 1a) a pair of soft keys (8 and 8'), whose default function or the present function is displayed in separate fields (Menu 11 and Names 11') (Section 40).

Therefore, it would have been obvious to the person of ordinary skill in the art to use the soft keys of Messel into the phone device of Deeds to provide a multi-functionality soft keys.

Furthermore, it would have been obvious to the person of ordinary skill in the art to realize that the software element (Mark) is a soft key since it is conventional in the art

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that a Graphic User Interface (GUI) touch sensitive screen can be implemented in a portable electronic device such as navigational device, PDA, portable phone, etc.

Claims 29-31.

Messel further teaches different events, such as incoming calls, incoming calls from a particular caller or caller group event, ... or a calendar reminder event (Section 4).

It would have been obvious to the person of ordinary skill in the art to use the particular caller group event and a calendar reminder event of Messel into the phone device of Deeds since this is conventional in the art.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deeds in view of Cadiz et al (US 2003/0164862).

Claims 8 and 17.

The only difference between the disclosure of Deeds and the claimed invention is that claims 8 and 17 require the color scheme changes to communicate information corresponding to elapsed time associated with the event.

However, Cadiz discloses (figs. 2 and 4A) the changing of the appearance of a graphically displayed ticket (210) to communicate information (changing information or communications state or status) corresponding to elapse time associated with the event (ticket 210). See page 11, section 100; and page 17, section 184.

It would have been obvious to a person of the art at the time of the invention to use the graphical alert method of Cadiz into the communication method of Deeds to allow a user to set up a schedule meeting or reading a message, wherein the alert feature would remind the user of the meeting or reading a message.

Response to Arguments

Applicant's arguments filed June 23, 2006 have been fully considered but they are not persuasive.

Applicant argues, at page 8, by asserting that "Neither Deeds, Messel, Cadiz nor any combination thereof teach "determining whether the received event is a member of a select group of events"". The examiner respectfully disagrees.

Deeds clearly discloses the step of:

determining whether the received event is a member of a select group of events

(Fig. 7 shows the step 330 of select entry or caller group. This step of selecting is considered as an event), each event in the select group of events corresponding to a

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software element that has an associated color scheme (Fig. 7 shows step 330, wherein a software element is the directory on the display 110, e.g., the name of a person or a caller group displayed on the display 110. Fig. 7 also shows the step 340 for selecting color scheme for the entry or the caller group) (Sections 38 and 41); wherein the software element is associated with a user interface display (110) of the computing device (10);

determining a color value associated with the event that is a member of the select group of events, the color value corresponding to the color scheme of the software element (Section 42, lines 1-3; and lines 8-11 teaches the color value is the steady amber pulses or rapidly flashing red pulses); and

illuminating the software element (Fig. 9 shows the software element, MARK, is illuminated) on the user interface display (110) and a corresponding hardware button (illuminating the keys 2 and 5) on the computing device (10) according to the color value of the event (the green color value) (Section 52, the last seven lines).

Deeds further teaches

"[0038] Referring now to Fig. 6, after saving the entries that have been entered, the user can arrange one or more of the stored entries into caller groups by associating one or more entries with one or more caller groups. For example, the user can arrange the entries into groups such as "Friends, VIPs, Family, Colleagues and Others". This would read on the new added limitation "determining whether the received event is a member of a select group of events".

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUU MATTHEW whose telephone number is (571) 272-7663. The examiner can normally be reached on Flexible Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JACK KEITH can be reached on (571) 272-7663. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Luu

A handwritten signature in black ink, appearing to read 'Matthew Luu', with a stylized, cursive script.

**MATTHEW LUU
PRIMARY EXAMINER**